

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MARK WILKENS

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**CRIMINAL ACTION NO. 15-520
CIVIL ACTION NO. 17-3077**

ORDER

AND NOW, this 29th day of November 2018, upon careful and independent consideration of Defendant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. No. 40], and the Government's Motion to Dismiss Petition Under 28 U.S.C. § 2255 [Doc. No. 44], to which no response was filed, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Defendant's ineffective assistance of counsel claim is **DENIED with prejudice** on its merits and without an evidentiary hearing;
2. The Government's Motion to Dismiss [Doc. No. 44] is **GRANTED** as to all other claims, which are **DISMISSED WITH PREJUDICE** as barred by the collateral attack waiver in the plea agreement;
3. A certificate of appealability **SHALL NOT** issue, in that the Defendant has not demonstrated that reasonable jurists would debate the correctness of this procedural ruling;¹ and
4. The Clerk is directed to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).